

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Henry T. Johnson, #23741,)	
)	
Plaintiff,)	C.A. No.: 3:07-3821-RBH
)	
vs.)	O R D E R
)	
City of Charleston Police Department,)	
)	
Defendant)	
)	
)	

This matter is before the court for review of the Report and Recommendation of United States Magistrate Judge Joseph R. McCrorey, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. See 28 U.S.C. § 636(b)(1).

On December 10, 2007, the Clerk of Court mailed the Order of Magistrate Judge McCrorey (docket entry #6) to the plaintiff which authorized service and directed Plaintiff to notify the court in writing of any change of address. Subsequently, after service of the defendant, Defendant filed a motion to dismiss for lack of prosecution (docket entry #15), and a Roseboro Order was mailed to Plaintiff on

April 16, 2008. The Roseboro Order was returned to the Clerk as undeliverable. On May 20, 2008, Magistrate Judge McCrorey ordered that the plaintiff had fifteen days to notify the court as to whether he wished to continue to prosecute the action. This order was mailed to the plaintiff and has not been returned to the court. The court then mailed to the defendant the Magistrate Judge's Report and Recommendation (docket entry #24) on June 9, 2008. On June 17, 2008 [entry #25], the Report and Recommendation was "returned as undeliverable" to the court.

No objections were filed to the Report and Recommendation. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

After a thorough review of the Report and Recommendation and the record in this case, the court adopts Magistrate Judge McCrorey's Report and Recommendation and incorporates it herein. It is therefore

ORDERED that this case is dismissed pursuant to Federal Rule of Civil Procedure 41(b).

IT IS SO ORDERED.

s/ R. Bryan Harwell

R. Bryan Harwell
United States District Judge

Florence, South Carolina
June 27, 2008